

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES WILSON,

Plaintiff,

v.

No. CIV 15-1016-KG-CG

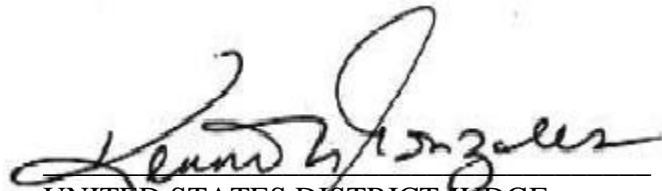
THERESA DENICE CERHA,

Defendant.

ORDER

This matter is before the Court on a Plaintiff's Motion to Dismiss Lawsuit [Doc. 12], filed on March 16, 2016. In his motion, Plaintiff requests "that this § 1983 lawsuit be dismissed in an attempt to remove conflict from his life." [Doc. 12] The Court will construe Plaintiff's motion as a notice of the voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). *See Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (affirming the construction of a pro se letter requesting that a case be dismissed without prejudice as a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)). Defendant Theresa Denice Cerha has not yet filed an answer or a motion for summary judgment and, therefore, Plaintiff "has an absolute right to dismiss without prejudice and no action is required on the part of the court." *Id.*; *see also* Fed. R. Civ. P. 41(a)(1)(A) ("Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment").

IT IS THEREFORE ORDERED that Plaintiff's Prisoner's Civil Rights Complaint [Doc. 1] is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i); and judgment will be entered.



UNITED STATES DISTRICT JUDGE